



99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

HB2928

by Rep. Dwight Kay

SYNOPSIS AS INTRODUCED:

725 ILCS 5/112A-20.5 new
750 ILCS 60/220.5 new

Amends the Code of Criminal Procedure of 1963 and the Illinois Domestic Violence Act of 1986. Provides that the court shall, upon petition or upon its own motion, order the removal and destruction of all records related to an emergency order of protection after the expiration of the deadline to file a timely motion to set aside the order or a notice of appeal if: (1) the petitioner who sought the emergency order of protection fails to seek a plenary order of protection before the expiration of the emergency order; (2) the request for a plenary order of protection is denied or the plenary order of protection is dismissed by agreement; or (3) the petitioner or the petitioner's counsel fails to appear at the hearing for a plenary order.

LRB099 04315 HEP 24342 b

1 AN ACT concerning domestic violence.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Code of Criminal Procedure of 1963 is
5 amended by adding Section 112A-20.5 as follows:

6 (725 ILCS 5/112A-20.5 new)

7 Sec. 112A-20.5. Records relating to emergency orders. The
8 court shall, upon petition or upon its own motion, order the
9 removal and destruction of all records related to an emergency
10 order of protection after the expiration of the deadline to
11 file a timely motion to set aside the order or a notice of
12 appeal if:

13 (1) the petitioner who sought the emergency order of
14 protection fails to seek a plenary order of protection
15 before the expiration of the emergency order;

16 (2) the request for a plenary order of protection is
17 denied or the plenary order of protection is dismissed by
18 agreement; or

19 (3) the petitioner or the petitioner's counsel fails to
20 appear at the hearing for a plenary order.

21 Section 10. The Illinois Domestic Violence Act of 1986 is
22 amended by adding Section 220.5 as follows:

1 (750 ILCS 60/220.5 new)

2 Sec. 220.5. Records relating to emergency orders. The court
3 shall, upon petition or upon its own motion, order the removal
4 and destruction of all records related to an emergency order of
5 protection after the expiration of the deadline to file a
6 timely motion to set aside the order or a notice of appeal if:

7 (1) the petitioner who sought the emergency order of
8 protection fails to seek a plenary order of protection
9 before the expiration of the emergency order;

10 (2) the request for a plenary order of protection is
11 denied or the plenary order of protection is dismissed by
12 agreement; or

13 (3) the petitioner or the petitioner's counsel fails to
14 appear at the hearing for a plenary order.